

### **REMARKS/ARGUMENTS**

This paper is filed responsive to the Office Action mailed May 15, 2009. Claims 1, 3-6, 8-16, and 18 are pending in the application. Claims 2, 7, 15 and 17 have been canceled. Applicants request reconsideration and reexamination of the application.

Claim 15 stands objected to because it depends from a canceled claim. Claim 15 has been canceled, thereby rendering this rejection moot.

Claims 1, 3-6, 8-15, 16 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brehmeier-Flick et al. (US 6083174) in view of Jeffries et al. (US 6193656) and B-Flick et al. "Study and Development of a Portable Telemetric Intracranial Pressure Measurement Unit." 19th International Conference Proceedings, IEEE/EMBS Oct. 30 - Nov. 2, 1997 Chicago, IL USA (hereinafter referred to as "the IEEE paper").

The carrier of the present invention is disclosed, in the specification, including, for example, page 4, lines 29-30 and, for example, the drawings, including Fig. 1, as being formed as a substantially planar carrier. Thereafter, for example, at the time of implantation, the carrier moves from the planar shape to a shape wherein the carrier is arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. One example of such a position is shown in Fig. 2. Such a structure is not taught or suggested by either Brehmeier-Flick, Jeffries nor the IEEE paper. In Brehmeier-Flick the cranial measuring system is placed on top of the outer surface of the skull to measure the cranial pressure through a bore drilled through the skull. Thus, at most the sensor assembly is curved to conform to the outer surface of the skull. But Brehmeier-Flick's sensor assembly is not moved from a planar shape to a shape wherein the carrier is arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. Applicant's further maintain that Brehmeier-Flick teaches away from

providing a sensor assembly that moves from a substantially planar position to a bent position as recited because such a structure would not conform to the outer surface of the skull.

The claims now require that the carrier is initially in a substantially planar shape and is thereafter moved to a shape arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. As such, Applicant's maintain that Brehmeier-Flick teaches away from providing a sensor assembly that it is bendable as recited because such a structure would not conform to the outer surface of the skull. Brehmeier-Flick states that "This way, the hole to be drilled into the top of the skull can be of a smaller diameter than before. Furthermore, only a very small cut of the skin is required because the foil 3, with the sensor element 1 and the telemetry unit 2 arranged on top, is very narrow." Clearly, Brehmeier-Flick is concerned about maintaining the size of the bore through the skull as small as possible as well as maintaining the size of the sensor assembly as small as possible as well. Thus, providing a sensor assembly that is bendable would require the sensor assembly to be disposed within the bore in the skull thereby increasing the size of the bore. Therefore, Brehmeier-Flick teaches away from providing a sensor assembly that moves as recited in the present claims.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750.

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Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

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